



PRESS RELEASE

Attorney General Gansler Petitions Court to Require EPA to Comply with Court Order *EPA Ignores Supreme Court Ruling on Regulating Greenhouse Gases*

BALTIMORE, MD (April 2, 2008) - Attorney General Douglas F. Gansler, along with Attorneys General from 16 other states, the Corporation Counsel for the City of New York, the City Solicitor of Baltimore, the District of Columbia, and a host of environmental advocacy groups, has asked the U.S. Court of Appeals for the District of Columbia Circuit to order the Environmental Protection Agency (EPA) to respond to last year's landmark ruling in *Massachusetts v. EPA*. That ruling, which the U.S. Supreme Court issued exactly one year ago today, required EPA to make a decision on whether to regulate greenhouse gas emissions from motor vehicles under the federal Clean Air Act. A year later, the EPA has not issued a decision. Today's court filing, known as a Petition for Mandamus, requests an order requiring the EPA to act within 60 days.

"The EPA has dragged its feet long enough and must now comply with the Court's ruling," said Attorney General Gansler. "A year ago today, the Supreme Court ruled that greenhouse gases are covered under the Clean Air Act. After a year of inaction by the EPA, we continue to be faced with excuses and delay tactics. The EPA should obey this landmark decision and issue regulations without further delay."

In *Massachusetts v. EPA*, the Supreme Court ruled that, contrary to the agency's claim, the EPA has authority to regulate greenhouse gases under the Clean Air Act. The Court also declared that the agency could not refuse to exercise that authority based on the agency's policy preferences. Instead, the EPA would have to decide, based on scientific information, whether it believed that greenhouse gas emissions were posing dangers to public health or welfare.

According to the petition, after last year's ruling, the EPA publicly made clear its belief that greenhouse gases were in fact endangering public health or welfare. On multiple occasions, the agency promised that it would respond to the Supreme Court's opinion by issuing an endangerment determination and draft motor vehicle emission standards by the end of last year. A Congressional investigation conducted by Congressman Henry Waxman confirmed that the EPA sent its draft endangerment determination and proposed regulations to the Office of Management & Budget in December 2007. According to the petition, an investigation conducted by the House Committee on Oversight and Government Reform established that consistent with its announced schedule, the EPA implemented its internal process of drafting an affirmative endangerment determination late last year.

The EPA has now declined to issue the proposed endangerment determination and recently said that it would delay responding to the Supreme Court's opinion until after it conducts a lengthy public comment period to examine policy issues raised by regulating greenhouse gases under the Clean Air Act.

"It's been one year since the Supreme Court determined that the Clean Air Act authorizes the EPA to regulate greenhouse gas emissions," said Maryland Department of the Environment Secretary Shari T. Wilson. "EPA has still not made the determination needed to move forward with regulatory initiatives to reduce greenhouse gas emissions. This lawsuit is about securing EPA's compliance with the Supreme Court's decision."

Joining Maryland in today's Petition for Mandamus are: the states of Arizona, California, Connecticut, Delaware, Illinois, Iowa, Maine, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington, the District of Columbia, the City of New York, and the Mayor and City Council for Baltimore, Center for Biological Diversity, Center for Food Safety, Conservation Law Foundation, Environmental Advocates, Environmental Defense Fund, Friends of the Earth, Greenpeace, International Center for Technological Assessment, Natural Resources Defense Council, Sierra Club, and U.S. Public Interest Research Group. All of these parties were either petitioners in *Massachusetts v. EPA*, or joined amicus briefs in support of the petitioners.